IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 628 OF 1999

IN

SUM. SUIT NO. 5803 OF 1998

Narang Internationals Hotels
Pvt. Ltd., .. Plaintiffs.

vs.

Patheja Forgings & Auto
Parts Mfg. Ltd., & Anr. .. Defendants.

Mr. Ajay Sethi for plaintiffs.
Mr. S.R. Moghe i/by Mehta & Girdharlal
for defendants.

CORAM : S.U. KAMDAR, J.
DATE : 26th SEPTEMBER, 2005.

P.C.:

. The present suit is filed for the recovery of a sum of Rs. 31,16,702/-. The said claim is based on a lease rental in respect of the machineries given on lease. A company petition was filed and in the company petition consent terms were handed in. But inspite of the consent terms the defendants failed to make payment. The summons for

judgment was adjourned sine die because the BIFR reference was pending. The web site of the BIFR indicates that in so far as the 1st defendant company is concerned, the BIFR proceedings are over and BIFR has recommended winding up of the company. In that view of the matter, Section 22 of SICA has no application. The defendant no. 2 is sued in his capacity as a guarantor. The learned advocate appearing for the defendants says that he has no instructions in the matter. In the circumstances, there shall be a decree in favour of the plaintiffs and against the defendants as prayed with interest at the simple rate at the rate of 12% per annum from the date of the suit till payment and/or realisation.

2. Refund of Court fee as per rules.